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10/573,834	05/03/2007	Wenqiang Luo	L2005.0019/P019	5203
24998	7590	05/06/2009	EXAMINER	
DICKSTEIN SHAPIRO LLP			MOSER, BRUCE M	
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Washington, DC 20006-5403			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,834	Applicant(s) LUO, WENQIANG	
	Examiner BRUCE M. MOSER	Art Unit 2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/06</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Information Disclosure Statement

Also, Examiner has considered the Information Disclosure Statement (IDS) filed 3/29/06 except for the NPL references CA and CB, which were not included in the application file and were thus crossed out in the enclosed return IDS.

Rejections under 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 8 recites a data source. Examiner found support in the specification page 7 describing a “data source structure” and page 8 describing “a node-based data source, such as an XML document,” which indicate that a data source is a document. A document is neither a process, machine, manufacture, nor a composition of matter and is thus non-statutory subject matter.

Claims 12-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 12 recites an identifier. Examiner finds support for an identifier in the Abstract, describing “identifiers mapping the data in the transformed version of the data source to the data in the data source,” and in page 7 stating, “the data transformation process can be complicated, as long as the source node identifiers are passed on after each transformation.” These references indicate that an identifier is a piece of data.

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Data is neither a process, machine, manufacture, nor a composition of matter and is thus non-statutory subject matter.

Rejections under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Takizawa et al (US 20030149935), hereafter known as Takizawa.

With respect to claim 1, Takizawa teaches:

associating nodes in the node-based data source with a set of first identifiers (page 4 paragraph 0083 giving identification numbers to output data)

selecting one of the nodes in the node-based data source by selecting a corresponding node from a separate and transformed version of the data source, the corresponding node in the separate and transformed version having the same first identifier as the selected node in the node-based data source (paragraph 0083 specifying a portion of the document means selecting a node or nodes from it, output version is transformed version);

deleting the selected node in the node-based data source by reference to the selected node's identifier or inserting a new node into the node-based source in a position relative to the selected node's position (paragraph 0083 updates meaning adding and deleting data); wherein

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the first identifiers are used to identify the same nodes in the node-based data source after the deletion of the selected node or insertion of the new node in the node-based data source (paragraph 0083 editing means uses identifiers, conversion means using edited data).

With respect to claim 2, Takizawa teaches:

the corresponding node in the separate and transformed version and the node in the node-based source are mapped to each other by a series of further identifiers (page 5 paragraph 0084 discussing matching lists, 12e in figure 2, corresponding to the identification numbers in the document and in the edited document); and

each further identifier in the series representing a transformation in a series of multiple-transformation to transform the node-based source into the transformed version (figure 2 steps 12, 12b, and 12c as different transform steps represented with identifiers in the document).

With respect to claim 3, Takizawa teaches:

initiating an insertion of a node via the transformed version (page 6 paragraphs 0113-0117 describing the insertion process for inputting data); and

updating the node-based data source by creating the new node in the node-based data source (page 6 paragraph 0121 data edited being sent to server 12) ;

wherein the new node is positioned in the node-based data source in a position relative to the position of the identified node (paragraph 0121 data collated with matching lists).

With respect to claim 4, Takizawa teaches the node-based data source is a marked-up language document (paragraph 0083 initial document is in XML format).

With respect to claim 5, Takizawa teaches the transformed version is a marked-up language document (paragraph 0083 converted document in HTML).

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With respect to claim 6, Takizawa teaches the data source is a transformation script (figure 3A described in paragraph 0101 showing document with transformation scripts used for output or display on a client terminal).

With respect to claim 7, Takizawa teaches identifiers are unique in the node-based data source (abstract showing unique identification number attached to the document data being edited).

With respect to claim 8, Takizawa teaches the same identifier is used to identify the same node when other nodes are added to or deleted from the data source (page 8 paragraph 0155 display with respect to each element means an identifier uses the same nodes to display as with input/deletion editing and other modes).

With respect to claim 9, Takizawa teaches the node-based data source is an XML document (see reference in claim 4).

With respect to claim 10, Takizawa teaches the node-based data source is a transformation script (see reference in claim 6).

With respect to claim 11, Takizawa teaches the identifier is unique in the node-based data source (see reference in claim 7).

With respect to claim 12, Takizawa teaches the identifier is used to identify the same node in the data source when other nodes are added to or deleted from the data source (page 11 paragraphs 0209-0211 showing consistency through additions/deletions is maintained via the identification numbers).

With respect to claim 13, Takizawa teaches:

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the identifier is tagged with information on the state of display of the transformed document (page 10 paragraphs 0193-0195 describing figures 18A and 18B, information tagged with display state as it changes with the change of mode);

whereby the identifier is a means of serialising the state of display of the transformed version of the data source such that a second transformed version of the data source has the same state of display (page 11 paragraphs 0205-0206 showing different displays using XML, XSLT, CSS transforms having the same identifiers for editing the document).

With respect to claim 14, Takizawa teaches the identifier is composed of one or more identifiers derived from user identity (page 5 paragraphs 0097-0098 access information derived from user identity information taken in for document use).

With respect to claim 15, Takizawa teaches the identifier is composed of one or more identifiers derived from hardware identity (paragraph 0083 means for supporting input from client terminals adds identifier information for terminal id).

With respect to claim 16, Takizawa teaches the identifier is composed of identifiers derived from one or more identifiers derived from hardware identity and one or more identifiers derived from user identity (see references in claims 14 and 15).

With respect to claim 17, Takizawa teaches the data source is a transformation script (see reference in claim 6).

With respect to claim 18, Takizawa teaches:

the identifier comprises a portion indicating the data source (paragraph 0083 specify portion of document to edit using identification number);

a portion indicating the node; and

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a portion indicating the parent node of the node; whereby nodes of different data sources having the same node identifier and integrated in the transformed version are differentiable by the portions indicating the parent nodes or the data source (for these three limitations, page 7 paragraph 0136 showing nodes in hierarchical format, nodes have parent nodes as shown in example in figure 10 which are differentiable by the parent nodes).

With respect to claim 19, Takizawa teaches the identifier is unique in the data source (see reference in claim 7).

With respect to claim 20, Takizawa teaches the data source is an XML document (see reference in claim 4).

Other References

Examiner also lists these references as containing relevant subject matter to Applicant's claimed invention:

Yoshida et al (US 20030158854)

Toyama et al (US 20040044965)

Aridor et al (US 7,043,472)

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE M. MOSER whose telephone number is (571)270-1718. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm, every other F 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on 571 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. M. M./
Examiner, Art Unit 2159
4/28/09

/James Trujillo/
Supervisory Patent Examiner, Art Unit
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